

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

|                             |   |                    |
|-----------------------------|---|--------------------|
| KEARNEY REGIONAL MEDICAL    | ) |                    |
| CENTER,                     | ) |                    |
|                             | ) |                    |
| Plaintiff,                  | ) | 4:15CV3081         |
|                             | ) |                    |
| v.                          | ) |                    |
|                             | ) |                    |
| UNITED STATES DEPARTMENT OF | ) | ORDER AND JUDGMENT |
| HEALTH AND HUMAN SERVICES,  | ) |                    |
| and SYLVIA MATHEWS BURWELL, | ) |                    |
| in her official capacity as | ) |                    |
| Secretary of the United     | ) |                    |
| States Department of Health | ) |                    |
| and Human Services,         | ) |                    |
|                             | ) |                    |
| Defendants.                 | ) |                    |
|                             | ) |                    |

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Pursuant to the memorandum opinion entered herein this date,

IT IS ORDERED:

- 1) Defendants' motion for summary judgment is granted.
- 2) The final decision of the Secretary is affirmed.
- 3) Plaintiff's motion for summary judgment is denied.
- 4) Plaintiff's due process claims are dismissed with prejudice.

DATED this 29th day of November, 2016.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court